

Senate File 399

S-3076

1 Amend Senate File 399 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 135I.1, Code 2023, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 3A. a. "*Spray pad*" means a constructed
6 area that is described by all of the following:

7 (1) The area has no standing water.

8 (2) The area is equipped with water sprays or other water
9 play features where the water is intended to contact the users.

10 (3) The area uses or has a feature that uses water that is
11 recirculated independently or from an associated swimming pool.

12 b. "*Spray pad*" includes an interactive fountain, and
13 a splash pad, spray park, wet deck, and water recreation
14 attraction.

15 c. "*Spray pad*" does not include an area that uses only
16 potable water that is not circulated and is drained directly
17 to waste.>

18 2. Page 1, line 4, by striking <swimming pools and spas> and
19 inserting <spray pads, swimming pools, and spas>

20 3. Page 1, lines 10 and 11, by striking <swimming pool or
21 spa> and inserting <spray pad, swimming pool, or spa>

22 4. Page 1, lines 16 and 17, by striking <swimming pool or
23 spa> and inserting <spray pad, swimming pool, or spa>

24 5. Page 1, line 19, by striking <swimming pool or spa> and
25 inserting <spray pad, swimming pool, or spa>

26 6. Page 1, line 20, by striking <swimming pool or spa> and
27 inserting <spray pad, swimming pool, or spa>

28 7. Page 1, after line 25 by inserting:

29 <Sec. _____. Section 135I.3, unnumbered paragraph 1, Code
30 2023, is amended to read as follows:

31 A person shall not operate a spray pad, swimming pool or
32 spa without first having registered with the department.

33 Registration shall be renewed annually.

34 Sec. _____. Section 135I.4, unnumbered paragraph 1, Code
35 2023, is amended to read as follows:

1 The department is responsible for registering and regulating
2 the operation of spray pads, swimming pools, spas, and,
3 notwithstanding [chapter 89](#), spray pad, swimming pool, or spa
4 water heaters. The department shall conduct seminars and
5 training sessions, and disseminate information regarding health
6 practices, safety measures, and operating procedures required
7 under [this chapter](#). The department may:

8 Sec. _____. Section 135I.4, subsections 1, 2, and 4, Code
9 2023, are amended to read as follows:

10 1. Inspect, at the time of installation and periodically
11 thereafter, all spray pads, swimming pools, and spas for the
12 purpose of detecting and eliminating health or safety hazards.

13 2. Establish minimum safety and sanitation criteria for the
14 operation and use of spray pads, swimming pools, and spas.

15 4. Establish and collect fees to defray the cost of
16 administering [this chapter](#). It is the intent of the general
17 assembly that fees collected under [this chapter](#) be used to
18 defray the cost of administering [this chapter](#). However, the
19 portion of fees needed to defray the costs of a local board of
20 health in implementing [this chapter](#) shall be established by the
21 local board of health. A fee imposed for the inspection of a
22 spray pad, swimming pool, or spa shall not be collected until
23 the inspection has actually been performed.

24 Sec. _____. Section 135I.6, unnumbered paragraph 1, Code
25 2023, is amended to read as follows:

26 If the department or a local board of health acting pursuant
27 to agreement with the department determines that a provision
28 of [this chapter](#) or a rule adopted pursuant to [this chapter](#)
29 has been or is being violated, the department may withhold
30 or revoke the registration of a spray pad, swimming pool, or
31 spa, or the department or the local board of health may order
32 that a facility or item of equipment not be used, until the
33 necessary corrective action has been taken. The department or
34 the local board of health may request the county attorney to
35 bring appropriate legal proceedings to enforce [this chapter](#),

1 including an action to enjoin violations. The attorney general
2 may also institute appropriate legal proceedings at the request
3 of the department. This remedy is in addition to any other
4 legal remedy available to the department or a local board of
5 health.

6 Sec. ____ . EFFECTIVE DATE. This Act, being deemed of
7 immediate importance, takes effect upon enactment.>

8 8. Title page, by striking lines 1 and 2 and inserting <An
9 Act relating to the registration and regulation of spray pads,
10 swimming pools, and spas owned or operated by local or state
11 government, commercial interests, or certain private entities,
12 making penalties applicable, and including effective date
13 provisions.>

14 9. By renumbering as necessary.

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